

Appl. No. 09/940,930
Amdt. Dated December 23, 2003
Reply to Office Action of October 3, 2003

• • R E M A R K S / A R G U M E N T S • •

The Official Action of October 3, 2003 has been thoroughly studied. Accordingly, the changes presented herein for the application, considered together with the following remarks, are believed to be sufficient to place the application into condition for allowance.

By the present amendment the paragraph bridging pages 8 and 9 of the specification has been changed to correct an inadvertent typographical error in which JIS P 8141 was inadvertently written as "JIS P 814."

Also by the present amendment some minor changes have been made to claims 1, 4 and 6 to correct inadvertent typographical errors.

Entry of the changes to the claims is respectfully requested.

Claims 1-10 are pending in this application.

Claims 1-10 stand rejected under 35 U.S.C. §112, first paragraph.

Under this rejection the Examiner has taken the position that:

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Specifically, the Examiner has taken the position that:

The Klemm's water absorbency has not been defined by the specification. There is no test method associated with this term and no support given as to how this measurement is determined.

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The Examiner further states that:

One of ordinary skill in the art would not be enabled to make and/or use this invention based on the disclosure provided. It is unclear what the applicant intends to claim as an invention.

Claims 1-10 stand rejected under 35 U.S.C. §112, second paragraph.

Under this rejection the Examiner has taken the position that:

With respect to claims 1 and 5, the applicant claims a Klemm's water absorbency. As previously stated, the Klemm's water absorbency has not been described and/or enabled in the specification, thereby rendering the scope of the claims unclear with respect to what applicant intends to claim as an invention.

The sentence bridging pages 8 and 9 of the specification (as amended herein) reads as:

The topsheet 2 constructed in this manner has a Klemm's water absorbency lower than 10 mm as measured in accordance with prescription of JIS P 8141

A search on "JIS P 8141" on the internet using the Google or Yahoo search engines readily uncovers "eSTANDARDS STORE" where a copy of JIS P 8141 can be purchased for \$13.00 (See "Exhibit A").

A search on JIS P 8141 on the Patent Office website (Issued Patents) uncovers that 6 patent cite this term (See "Exhibit B").

Submitted herewith for the Examiner's records is a copy of JIS P 8141 as "Exhibit C."

It is submitted that the term JIS P 8141 is sufficiently known in the art so that those skilled in the art would be familiar with this term and the testing method of JIS P 8141. For those skilled in

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the art who may not be familiar with JIS P 8141, it is submitted that this standard is readily and easily terminable by a simple search as was conducted by the undersigned.

It is accordingly submitted that applicants' specification satisfies the requirements of both the first and second paragraphs of U.S.C. §112.

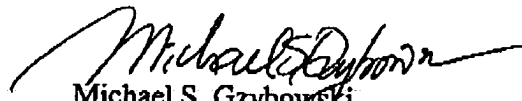
Entry of the present amendment and an early allowance of the application are respectfully requested.

It is believed that the above represents a complete response to the Official Action.

If upon consideration of the above, the Examiner should feel that there remains outstanding issues in the present application that could be resolved, the Examiner is invited to contact applicants' patent counsel at the telephone number given below to discuss such issues.

To the extent necessary, a petition for an extension of time under 37 CFR §1.136 is hereby made. Please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 12-2136 and please credit any excess fees to such deposit account.

Respectfully submitted,


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